

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2781 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

SOLANKI CONSTRUCTION

Versus

STATE OF GUJARAT

Appearance:

MR DD VYAS, Sr. Adv. with MS MAMTA VYAS for Petitioner
MS MANISHA LAVKUMAR for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/07/2000

ORAL JUDGEMENT

1. The petitioner, in this special civil application, prayed for direction to the respondent to grant it subsidy as per the Government Resolution of May, 1986.

2. The petitioner for the purpose of production of pre-mix surface materials wanted to have a hot mix plant paver in the Dhangadhra Taluka. The petitioner has not been given the subsidy on the ground that the industrial activities of the petitioner do not come within the definition of 'industry'.

3. Learned counsel for the petitioner contended that this approach of the respondent is wholly arbitrary and unjustified and a discriminatory treatment has been given to the petitioner. M/s.Y.P. Patel and Associates is also having a hot mix plant paver and it has been given subsidy.

4. The respondent has not filed any reply to the special civil application and this fact has not been denied. So in this matter what the petitioner stated is to be taken to be correct that two different principles have been applied in the case of grant of subsidy. If in the case of M/s.Y.P. Patel and Associates, this hot mixing plant paver was taken to be an 'industry', I fail to see why it cannot be taken so in the case of the petitioner. However, I am not expressing any final opinion in the matter. Reply has not been filed by the respondent in this petition.

5. The interest of justice will be served in case this petition is disposed of in terms that for this grievance made in this special civil application, the petitioner may file a detailed representation to the Secretary of the Industries, Mines and Energy Department, Sachivalaya, Gandhinagar and in case such a representation is made the Secretary shall decide the same within a period of one month from the date of receipt of the same. This matter has to be decided with reference to the case of M/s.Y.P. Patel and Associates, 24, Sunrise Shopping Centre, Drive-in Cinema Road, Ahmedabad. In case the claim of the petitioner is not acceptable then a reasoned order may be passed and copy of the same may be sent to the petitioner by registered post A.D.. In case of difficulty, liberty is granted to the petitioner for revival of this special civil application. The special civil application and Rule stand disposed of accordingly with no order as to costs.

zgs/-